IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 598 OF 2004

Maker Towers 'E' Premises Co-op. Soc. Ltd. .... Appellant

Vs.

The Assistant Commissioner of Income Tax, Circle 13(3),Mumbai .... Respondents

Mr. H. Toor i/b Crawford Bayley & Co. for the Appellant.

Mr. Ashok Kotangale for Respondents.

CORAM : F.I. REBELLO, &
J.P. DEVADHAR, JJ.

DATE : 14TH AUGUST, 2007

P.C.

1) In so far this subject matter, order dated 13th January 2004, we find that the learned Income Tax Appellate Tribunal in para no. 3 has restored the matter back to the file of Assessing Officer to decide the same afresh for reasons set out therein.

2) On behalf of the appellant, learned counsel points out that assessment year 1992-1993, 1993-1994 the point which was raised by the Appellant in this appeal has been held in favour of the assessee.

3) It is open to the appellant to point out to the learned Assessing Officer the order passed by the Tribunal for the assessment year 1992-1993 and 1993-1994.

4) With the above clarification, appeal is disposed of.

(J.P. DEVADHAR, J.) **(F.I. REBELLO, J.)**